



Senate

General Assembly

File No. 264

February Session, 2010

Substitute Senate Bill No. 412

Senate, April 1, 2010

The Committee on Transportation reported through SEN. DEFRONZO of the 6th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

**AN ACT CONCERNING THE ENVIRONMENTAL IMPACT
EVALUATION PREPARED FOR A STATE-OWNED AIRPORT
DEVELOPMENT PROJECT, AND THE REQUIREMENTS FOR THE
PREPARATION, EVALUATION AND REVIEW OF ENVIRONMENTAL
IMPACT EVALUATIONS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. (*Effective from passage*) In reviewing an environmental
- 2 impact evaluation pursuant to section 22a-1d of the general statutes
- 3 that was performed prior to the effective date of this section with
- 4 respect to a development project at a state-owned airport, by a
- 5 contractor retained by a private nonstate entity and independently
- 6 evaluated by the Department of Transportation, (1) the department
- 7 shall review, circulate, publish and hold a public hearing on such
- 8 evaluation as required by section 22a-1d of the general statutes and
- 9 shall submit all comments and responses received at such public
- 10 hearing to the Office of Policy and Management, and (2) the Office of
- 11 Policy and Management shall review such evaluation, comments and
- 12 responses and shall make a determination pursuant to section 22a-1e

13 of the general statutes. The performance of such environmental impact
14 evaluation by a contractor retained by a private nonstate entity shall
15 not be considered by the Office of Policy and Management in
16 determining if such evaluation complies with the requirements of
17 sections 22a-1 to 22a-1i, inclusive, of the general statutes.

18 Sec. 2. Section 22a-1b of the general statutes is amended by adding
19 subsection (e) as follows (*Effective from passage*):

20 (NEW) (e) Any state department, institution or agency that conducts
21 an environmental impact evaluation pursuant to subsection (c) of this
22 section may enter into a contract with a person for the preparation of
23 such evaluation, provided such department, institution or agency: (1)
24 Guides such person in the preparation of such evaluation, (2)
25 participates in the preparation of such evaluation, (3) independently
26 reviews such evaluation prior to submitting such evaluation for
27 comment pursuant to section 22a-1d, and (4) assures that any third
28 party responsible for conducting any activity that is the subject of such
29 evaluation is not a party to such contract. Such department, institution
30 or agency may require any such third party responsible for conducting
31 any activity that is the subject of such evaluation to remit a fee to such
32 department, institution or agency in an amount sufficient to pay for
33 the cost of hiring a person to prepare such evaluation in accordance
34 with the provisions of this subsection.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	22a-1b

TRA *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 11 \$	FY 12 \$
Various State Agencies	App Fund - Savings	See Below	See Below

Note: App Fund=All Appropriated Funds

Municipal Impact: None

Explanation

A section by section fiscal impact is presented below.

Section 1 could result in a cost savings to the Department of Transportation to the degree that the agency is able to use information from a previously conducted environmental review in completing environmental impact statement for the Waterbury-Oxford state-owned airport.

Section 2 could result in future cost savings to state agencies when conducting environmental impact evaluations if they choose to require funding from a third party to pay for the evaluations.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sSB 412*****AN ACT CONCERNING THE ENVIRONMENTAL IMPACT EVALUATION PREPARED FOR A STATE-OWNED AIRPORT DEVELOPMENT PROJECT, AND THE REQUIREMENTS FOR THE PREPARATION, EVALUATION AND REVIEW OF ENVIRONMENTAL IMPACT EVALUATIONS.*****SUMMARY:**

This bill allows state agencies, institutions, and departments (agencies) conducting an environmental impact evaluation (EIE) under the Connecticut Environmental Policy Act (CEPA) to contract with a person to prepare the EIE as long as the agency (1) guides the person in preparing the EIE, (2) participates in its preparation, (3) independently reviews the EIE before submitting it for comment under CEPA, and (4) ensures that any third party responsible for conducting an activity that the EIE is evaluating is not a party to the contract. The agency may require that such a third party pay the agency enough money for the agency to hire the person preparing the EIE.

In the case of an EIE (1) of a development project at a state-owned airport, (2) completed before the bill's passage by a contractor retained by a private, non-state entity, and (3) independently evaluated by the Department of Transportation (DOT), DOT must review, circulate, publish, and hold a public hearing on the EIE as CEPA requires and submit all comments and responses it receives to the Office of Policy and Management (OPM). The bill requires OPM to review the EIE, comments, and responses according to CEPA. But it specifically bars OPM, in determining whether the EIE complies with CEPA, from considering that the EIE was prepared by a contractor retained by a private, non-state entity. The state-owned airport to which the bill refers is the Waterbury-Oxford airport.

EFFECTIVE DATE: Upon passage

BACKGROUND

Connecticut Environmental Policy Act (CEPA)

CEPA identifies and evaluates the impact of proposed state actions that could significantly affect the environment. It requires that certain information be available to decision makers and the public, and that this information be considered in deciding whether and how to proceed with the project. Among other things, EIEs must examine the direct, indirect, and cumulative environmental consequences of the proposed action, and any reasonable alternatives to it. OPM reviews EIEs, determining, among other things, if the agency has taken all practicable steps to avoid or minimize environmental harm. However, findings of adverse impact do not necessarily stop a project from proceeding (CGS § 22a-1b through 1h).

COMMITTEE ACTION

Transportation Committee

Joint Favorable Substitute

Yea 36 Nay 0 (03/16/2010)